



## **Missouri Ethics Commission**

# Guide to Ethics Laws 2010

*A Plain English Summary*

[www.mec.mo.gov](http://www.mec.mo.gov)

09/2009

## ETHICS GUIDE

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This guide is intended to provide a plain English summary of the Missouri Ethics laws, including laws affecting the activity of individuals who are or may become a candidate for elective offices at the State, County, Municipal or Special District level in Missouri.

## **MISSOURI ETHICS COMMISSION**

### ***OUR MISSION:***

*The Missouri Ethics Commission serves the public interest by assisting and educating the citizens of Missouri, public officials, lobbyists, and individuals participating in public elections while consistently and uniformly enforcing campaign finance, conflict of interest and lobbying laws.*

### **ABOUT THE MISSOURI ETHICS COMMISSION:**

The Missouri Ethics Commission was created by the Missouri Ethics Law of 1991 (Section 105.955 RSMo).

The Commission is charged with enforcement of and retention of information and reports related to:

- ✓ Conflicts of interest relating to public officials and employees
- ✓ Lobbyist reporting laws
- ✓ Personal financial interest reporting laws
- ✓ Campaign Finance Disclosure laws

The Commission has six governor-appointed and senate-approved members, not more than three of the same political party. These members must also be from different congressional districts. The Commission elects a chair and vice-chair biannually.

The Commission issues advisory opinions regarding any of the laws which it enforces. Advisory opinions can be found on the Commission website.

***Information about the Ethics Commission  
and all forms and requirements can be  
found on the Commission's website at  
[www.mec.mo.gov](http://www.mec.mo.gov)***

## **CAMPAIGN FINANCE REQUIREMENTS**

**Governing Statutes:** Chapter 130, RSMo.

### **WHAT IS A COMMITTEE?**

A person or persons who (1) accepts contributions or spends money for the purpose of attempting to influence the action of voters and (2) the money spent or received exceeds certain dollar amounts. These persons may be required by law to form a committee and register under the campaign finance disclosure law.

### **WHAT IS CAMPAIGN FINANCE?**

The Campaign Finance Disclosure Law requires that all committees and all candidates, regardless of their reporting status, as well as certain individuals and entities, maintain accurate and up-to-date accounts and records regarding their campaign-financial activity.

### **STEPS FOR COMPLYING WITH CAMPAIGN FINANCE REQUIREMENTS:**

1. Identify committee type
2. Form the committee
3. Register the committee
4. Identify “Where to File” the reports
5. File campaign finance reports
6. Distribute any remaining funds & dissolve any debt
7. Terminate the committee

### **TYPES OF COMMITTEES & FORMATION DEADLINES:**

There are six different types of committees and each has specific deadlines for formation:

<b>Committee Type</b>	<b>Committee Deadline Dates for Forming</b>
Candidate Committee	30 days prior to the election date
Continuing Committee	60 days prior to the election date
Campaign Committee	30 days prior to the election date
Debt Service Committee	<i>See website for more information</i>
Exploratory	<i>See website for more information</i>
Political Party	<i>See website for more information</i>

## CAMPAIGN FINANCE REQUIREMENTS

### COMMITTEE REGISTRATION:

Committee registration is completed by filing a Statement of Committee Organization with the appropriate authority within 20 days after the committee is formed and no later than the deadline for the filing of the first disclosure report. (Committees must also file subsequent campaign finance disclosure reports as required.) For committee requirements other than candidate committee requirements visit [www.mec.mo.gov](http://www.mec.mo.gov).

### REGISTRATION REQUIREMENTS:

Candidate Type	Requirement	Reporting Requirement
<ul style="list-style-type: none"> <li>✓ Statewide Office</li> <li>✓ General Assembly</li> <li>✓ Municipal Office (population greater than 100,000)</li> </ul>	<ul style="list-style-type: none"> <li>✓ If neither the aggregate of contributions received nor the aggregate of expenditures made on behalf of the candidate exceeds \$500; <b>and</b></li> </ul>	Statement of Exemption
	<ul style="list-style-type: none"> <li>✓ If no single contributor, other than the candidate, contributes more than \$325.</li> </ul>	
	<ul style="list-style-type: none"> <li>✓ If candidate exceeds either the \$500 or \$325 threshold listed above.</li> </ul>	Statement of Committee Organization
<ul style="list-style-type: none"> <li>✓ All other candidates</li> </ul>	<ul style="list-style-type: none"> <li>✓ If either the \$1,000 or \$325 threshold listed below is exceeded.</li> </ul>	Statement of Committee Organization
	<ul style="list-style-type: none"> <li>✓ If the aggregate of contributions received or expenditures made by the candidate (or any other person with the candidate's knowledge and consent) does not exceed \$1,000 <b>and</b> total contributions from a single contributor does not exceed \$325.</li> </ul>	No filing requirement

## CAMPAIGN FINANCE REQUIREMENTS

### WHERE TO FILE REPORTS:

Type of Committee, Measure or Office Sought	Filing Entity
✓ Political Party Committee	✓ Statewide—Missouri Ethics Commission ✓ Other than Statewide—Missouri Ethics Commission <i>and</i> local election authority for a city, county, or district.
✓ Continuing Committee	✓ Missouri Ethics Commission <i>and</i> ✓ Election authority where committee is domiciled
✓ School, fire, ambulance, or other special purpose district ✓ City municipal office with 100,000 or less population ✓ County Office in county with a population of 100,000 or less (except the County Clerk)	✓ County clerk of candidate's residency <i>except</i> that in a city or county having a board of election commissioners the board shall be the election authority
✓ City municipal office with population greater than 100,000 ✓ County Office in a county with a population greater than 100,000 ✓ County clerk, regardless of population ✓ General Assembly ✓ Partisan Circuit Court Judge ✓ Partisan Associate Circuit Court Judge	✓ Missouri Ethics Commission <i>and</i> ✓ County clerk of candidate's residency <i>except</i> that in a city or county having a board of election commissioners the board shall be the election authority
✓ Statewide office	✓ Missouri Ethics Commission
✓ Federal Candidate	✓ Federal Election Commission
✓ Ballot Measure	✓ Statewide—Missouri Ethics Commission ✓ Local—Local election authority for the political subdivision or district

### PENALTIES:

If the report(s) are not received by the due date a minimum \$10 per day penalty may be assessed. For the 8 Day Before Report, a \$100 per day penalty may be assessed for the first 8 days and \$10 per day thereafter.

## CAMPAIGN FINANCE REQUIREMENTS

### FILING REQUIREMENTS AND DATES:

**Please note:** The beginning date for the campaign finance disclosure report begins with the day after the closing date of your most recent committee campaign finance disclosure report.

<b>2010 Election Dates</b>	<b>Feb 2</b>	<b>Mar 2</b>	<b>Apr 6</b>	<b>Jun 8</b>	<b>Aug 3</b>	<b>Nov 2</b>
Committee Organization Deadline (except continuing committees)	Jan 3	Jan 31	Mar 7	May 9	Jul 4	Oct 3
Continuing Committee Organization Deadline	Dec 4	Jan 1	Feb 5	Apr 9	Jun 4	Sep 3
<b>40 Day Before Report</b>						
Closing Date (Date reported through)	N/A	Jan 16	Feb 20	Apr 24	N/A	N/A
Due Date	N/A	Jan 21	Feb 25	Apr 29	N/A	N/A
<b>8 Day Before Report</b>						
Closing Date (Date reported through)	Jan 21	Feb 18	Mar 25	May 27	Jul 22	Oct 21
Due Date	Jan 25	Feb 22	Mar 29	May 31	Jul 26	Oct 25
<b>30 Day After Report</b>						
Closing Date (Date reported through)	Feb 27	Mar 27	May 1	Jul 3	Aug 28	Nov 27
Due Date	Mar 4	Apr 1	May 6	Jul 8	Sep 2	Dec 2
<b>Quarterly Reports</b>						
All committees must file quarterly reports no later than the 15 <sup>th</sup> day following the close of each calendar quarter. These quarterly reports are due until the committee terminates. See closing and due dates below.						
Closing Date (Date reported through)	n/a	Dec 31	Mar 31	Jun 30	Sep 30	n/a
Due Date	n/a	Jan 15	Apr 15	Jul 15	Oct 15	n/a

## CAMPAIGN FINANCE REQUIREMENTS

### FILING REQUIREMENTS AND DATES (CONT.):

<b>48 Hour Notice of Contributions Exceeding \$5,000</b>
Any individual or committee, within 48 hours of receiving any contribution from any single contributor exceeding \$5,000, must electronically report the contribution to the Missouri Ethics Commission at <a href="http://www.mec.mo.gov">www.mec.mo.gov</a> .
<b>Late Contribution Report</b>
The receipt of a contribution or loan more than \$250, received between the 11 <sup>th</sup> day before an election and the day before the election, must be reported to the appropriate officer(s) no later than <u>24 hours after receipt</u> . The disclosure may be by any written means of communication and must also be reported in the next subsequently filed report.
<b>Continuing Committee – Late Expenditure Report</b>
A continuing committee, that after the 12 <sup>th</sup> day before the election makes aggregate expenditures other than contributions to a committee of \$250 or more, must file an additional disclosure report no later than 24 hours after making the expenditure.
<p>If the last day to file a report with the Ethics Commission or other appropriate officer other than the Ethics Commission, falls on a Saturday, Sunday or an official holiday, the deadline for filing is extended to 5:00 p.m. on the next day which is not a Saturday, Sunday or official holiday.</p> <p>Any report mailed to the Ethics Commission <b>must be postmarked <u>prior</u> to the due date</b> to be considered timely filed.</p> <p>Any report filed electronically <b>must be filed by 5:00 p.m. on the due date</b> to be considered timely filed.</p>

### ELECTRONIC FILING:

All candidate and committee reports may be electronically filed with Commission. *Filing electronically with the Commission fulfills the local filing requirement (other than St. Louis City Board of Elections).*

Visit our website at [www.mec.mo.gov](http://www.mec.mo.gov) for more information!



## CAMPAIGN MATERIALS IDENTIFICATION REQUIREMENTS

**Governing Statutes:** Section 130.031, RSMo.

**PRINTED MATTER:** Pamphlets, circulars, handbills, sample ballots, advertisements (including in newspapers/periodicals), signs (included those for display on vehicles), or other imprinted or lettered materials. *Items excluded as printed matter include items used for personal use given away or sold, (i.e. campaign buttons, pencils, or clothing) which is paid for by a candidate or committee.*

Who Paid For The Printed Matter	Required Sponsor Information (following the words 'Paid for by')
Candidate from personal funds (only if no candidate committee exists)	First name & Last name by which candidate is known
Committee	Committee name as required to be registered by Missouri campaign finance law, & committee treasurer's name and title (serving when the material was paid for)
Corporation, Business Entity, Labor Org., Other Org. (not a committee or organized for influencing election(s))	Name of the entity, entity's principal officer's name, known title, and mailing address of entity or principal officer (if entity has no mailing address)
Individual(s)	Individual(s) name, & mailing address(es). If more than 5 may print "for a list of sponsors contact (name & address of one individual responsible for having material printed)". This individual must keep the names and amounts paid by all other individuals.
<b>Must use full legal name of person and/or entity, can not use abbreviations or acronyms.</b>	

**TV & RADIO:** If you are a broadcast station transmitting matter about a candidate or ballot measure, you must provide sponsor identification in accordance with federal campaign laws.

**FEDERAL CAMPAIGN LAWS:** If you are a person causing matter to be printed or broadcast about federal candidates, you must provide sponsor identification in accordance with federal campaign laws.

## **CANDIDATE/CAMPAIGN FINANCE CHECKLIST**

- ☐ 1. Form Committee
- ☐ 2. Select Treasurer (must reside in district/county)
- ☐ 3. Open bank account
- ☐ 4. File Statement of Committee Organization
- ☐ 5. File Pin Application & Waiver  
(Certain candidates are required by law to file electronically with the Missouri Ethics Commission)
- ☐ 6. Declare candidacy with appropriate election authority during filing period \*
- ☐ 7. File Personal Financial Disclosure (PFD)  
(Candidates only)
- ☐ 8. Review Reporting Calendars
- ☐ 9. Continuously file required Campaign Finance reports

**If unsuccessful:**

- ✓ If more money on hand than debt; must terminate committee within 30 days
- ✓ If more debt than money on hand; can form Debt Service Committee

**If successful:**

- ✓ Update election information for committee before accepting future contributions or terminate committee

## **COMPLAINTS & INVESTIGATIONS**

**Governing Statutes:** Section 105.957, RSMo.

### **FILING A COMPLAINT:**

Any individual may file a complaint with the Missouri Ethics Commission if that individual believes any candidate or other individual has violated the campaign finance disclosure laws, the personal financial disclosure laws, the conflict of interest laws, the lobbying laws, or any order, ordinance or resolution dealing with the official conduct of officials.

Any complaint against a candidate alleging a violation of the conflict of interest or lobbying laws will not be accepted by the Ethics Commission from sixty days prior to the primary until after the date of the general election.

No complaint can be accepted by the commission within fifteen days prior to the primary or general election in which the candidate is running for office.

All complaints must be in writing and must be sworn to under penalty of perjury by the complainant.

A copy of the complaint will be provided to the individual it is filed against within 5 days of receipt.

A copy of the complaint form may be downloaded from the Commission's website.

### **COMMISSION INVESTIGATIONS:**

Investigations by the Commission are confidential. Final actions of the Commission are public. Summary of final actions are listed on our website and are available under the sunshine law.

**[www.mec.mo.gov](http://www.mec.mo.gov)**

## **CONFLICT OF INTEREST**

**Governing Statutes:** Section 105.450 through 105.467, RSMo.

### **CONFLICT OF INTEREST:**

The general provisions of the law, as they apply to elected and appointed officials and some employees of the state and political subdivisions of the state, provide that an elected official cannot:

- Use their office for financial gain for him/herself, spouse or dependent children or certain businesses.
- Vote to hire any person related to the official by the fourth degree by blood or marriage. (e.g. great grandparent to first cousin).
- Perform a service for the political subdivision for pay of more than \$500 per transaction or \$5,000 per year unless the service is bid and the official, company, or partnership is the lowest bidder (if the official has more than a ten percent (10%) interest in the company or partnership). This also applies to the sale, rent, or lease of property to the political subdivision.
- Vote for or against any measure if they have received or have been promised any gift or payment of any item or value on condition of the vote.
- Receive anything of value to influence the action of the political subdivision.

### **USE OF PUBLIC FUNDS:**

No contributions or public funds can be spent by an officer, employee, or agent of a political subdivision to advocate, support, or oppose any ballot measure or candidate for public office.

This does not prohibit the public official of a political subdivision from making public appearances or issuing press releases about a ballot measure.

## **LOBBYING**

**Governing Statutes:** Section 105.470 through 105.478, RSMo.

### **DEFINITION AND REQUIREMENTS:**

A lobbyist is a person who attempts to influence the action of government. There are four types of lobbyists:

- ✓ Legislative lobbyist
- ✓ Executive lobbyist
- ✓ Judicial lobbyist
- ✓ Elected local government official lobbyist

A lobbyist may register to lobby any or all of these government branches. Each lobbyist must do the following:

- ✓ Annually register with the Missouri Ethics Commission
- ✓ Pay a \$10 annual registration fee
- ✓ File monthly report disclosing any monies spent on elected officials, their family, and/or staff and disclosing business relationships with public officials

Failure to file the monthly statement results in a \$10 per day late fee. Lobbyists may terminate their status at any time. For more information, please refer to Section 105.470, RSMo.

### **REPORTED LOBBYIST EXPENSES:**

Lobbyists report monies spent by the lobbyist principal and/or the lobbyist. They report monies spent on behalf of public officials, their staff and employees, spouses, and dependent children.

Reported lobbyist monies spent include:

- ✓ Printing & Publication
- ✓ Media & other Advertising
- ✓ Travel
- ✓ Entertainment
- ✓ Honorariums/Gifts
- ✓ Meals/Food/Beverages

## **PERSONAL FINANCIAL DISCLOSURE (PFD) (AKA: FINANCIAL INTEREST STATEMENTS)**

**Governing Statutes:** Section 105.483 through 105.492, RSMo

### **WHO MUST FILE?**

**Public officials and candidates for the following positions** are required to file personal financial disclosure statements (PFD):

- ✓ Statewide office and designated staff
- ✓ Senators and Representatives
- ✓ Judicial candidates (file with the Missouri Ethics Commission)
- ✓ Judges (file with Supreme Court)
- ✓ Some state boards and commission members
- ✓ Some employees of the State or political subdivisions of the state including those employees who are authorized to serve as the chief administrative officer, chief purchasing officer, general counsel, or promulgate or adopt rules and regulations

**Candidates and public officials in political subdivisions**, where an ordinance has been adopted and filed with the Missouri Ethics Commission, are not required to file *UNLESS* they meet one or both of the exceptions listed below:

- ✓ The candidate, official, or their relative (related within the first degree of blood or marriage) is doing business or owns a substantial interest in a business that has conducted business with the political subdivision in excess of \$500/transaction
- ✓ The conflict of interest ordinance/resolution specifically requires the filing of a Personal Financial Disclosure statement

*An individual required to file a PFD because of his/her candidacy for office prior to a primary election in accordance with §105.487(1), is also required to amend such statement no later than the close of business on the Monday prior to the general election to reflect any changes in financial interest during the interim.*

If you are unsure if something should be disclosed, there is no penalty for over disclosure. This may also avoid the appearance of concealing possible conflicts of interest.

## **PERSONAL FINANCIAL DISCLOSURE (PFD) (AKA: FINANCIAL INTEREST STATEMENTS)**

### **NON CANDIDATE FILING: (APPOINTED OR NEW EMPLOYEE)**

Individuals that have been **appointed or are newly employed** must file a PFD if the position specifically requires it.

- ✓ Within 30 days from appointment/hire date
- ✓ With the Missouri Ethics Commission
- ✓ Include spouse/dependent children info (unless also required filer)
- ✓ Disclose the previous calendar year information
- ✓ Include original signature (no faxes or copies)
- ✓ Do not include account numbers
- ✓ File only once for calendar year

### **ANNUAL FILERS:**

Individuals required to file a PFD who are not candidates or are not newly appointed/employed are required to file after January 1, 2010 and no later than May 3, 2010.

### **DEADLINES & FINES FOR ALL FILERS:**

In order to meet filing deadlines, and in accordance with §105.487(4), RSMo., all PFD's:

- ✓ Submitted by mail, must be post-marked no later than midnight the day before the due date
- ✓ Delivered by hand, must be received by 5:00 p.m. on the due date

Failing to file a PFD by the due date may result in late filing fees.

## **PERSONAL FINANCIAL DISCLOSURE (PFD) (AKA: FINANCIAL INTEREST STATEMENTS)**

### **CANDIDATE FILING:**

Candidates required to file a PFD must file according to the following dates:

<b>2010 Statutory Election Dates</b>	<b>Feb 2</b>	<b>Mar 2 (see charter)</b>	<b>Apr 6</b>	<b>Jun 8</b>	<b>Aug 3</b>	<b>Nov 2</b>
<b>Closing Date of filing for Candidacy</b>	Nov 17	Dec 15	Jan 19	Mar 23	Mar 30	Aug 17
<b>PFD Filing Deadline*</b> (14 days from the closing date of fil- ing for candidacy)	Dec 1	Dec 29	Feb 2	Apr 6	Apr 13	Aug 31
<b>PFD Filing Deadline**</b> (21 days from the closing date of fil- ing for candidacy)	Dec 8	Jan 5	Feb 9	Apr 13	Apr 20	Sept 7

\* Failure to file by the 14 day deadline may result in a minimum \$10 per day late fee.

\*\* Failure to file by the 21 day deadline may result in removal from ballot.



## NOTES

[illegible]

## **COMMISSIONERS**

**Michael S. Kilgore**

Chair

Democrat

5th Congressional District

Term expires March 15, 2010

**Ken Legan**

Vice Chair

Republican

7th Congressional District

Term expires March 15, 2010

**Jeffrey B. Davison**

Republican

6th Congressional District

Term expires March 15, 2012

**Brad Mitchell**

Democrat

9th Congressional District

Term expires March 15, 2010

**James R. Tweedy**

Democrat

8th Congressional District

Term expires March 15, 2012

**Jim Wright**

Republican

2nd Congressional District

Term expires March 15, 2012

## **CONTACT INFORMATION**

### **STAFF CONTACTS**

Julie A. Allen—**Executive Director**

Betsy Byers—**Director of Business Services  
Campaign Finance**

Elizabeth (Liz) Ziegler—**General Counsel**

Betty Lohmann—**Personal Financial Disclosure**

### **MISSOURI ETHICS COMMISSION**

Physical Address: 3411 A Knipp Drive  
Jefferson City MO 65109

Mailing Address: PO Box 1370  
Jefferson City MO 65102

Phone: 800-392-8660  
573-751-2020

Help Desk: [helpdesk@mec.mo.gov](mailto:helpdesk@mec.mo.gov)

Website: [www.mec.mo.gov](http://www.mec.mo.gov)